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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,618	01/31/2005	Tadayuki Kameyama	052009	6711
38834 7590 05/02/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER EMPIE, NATHAN H				
ART UNIT 1792		PAPER NUMBER		
MAIL DATE 05/02/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/522,618

**Applicant(s)**

KAMEYAMA ET AL.

**Examiner**

NATHAN H. EMPIE

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s) Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner acknowledges receipt of (3/14/08) amendment to the claims which was entered into the file.

Claims 1, and 8-18 are currently pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the guide roll", but within claim 1 from which claim 12 depends, "at least" a "first guide roll", and a "second guide roll" are mentioned, so as claim 12 is currently written it is unclear as to which guide roll (first, second, or further) "the guide roll" is in reference to. For purposes of examination "the guide roll" will be interpreted as any guide roll. There is insufficient antecedent basis for this limitation in the claim.

This rejection is maintained from the previous rejection as the applicant did not correct or offer any arguments against it

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 10, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemoto et al (JP 10153709A; hereafter Ikemoto).

Claims 1, 10, 17: Ikemoto teaches a method of producing a polarizing film (Abstract and [0014 – 0020]), comprising the steps of: allowing a hydrophilic polymer film (PVA based film) to swell wherein the polymer film is conveyed by means of a guide roll (guide rolls pictured as small circles in Fig 1) so as to be impregnated in an aqueous solvent (water and boric acid) in a swelling bath (swelling tank, (10)) (Fig 1, and [0008], [0016]);

dyeing the polymer film using a dichroic substance (film passes through a dyeing tank (12) containing an iodine solution; Fig 1, and [0017]);

and stretching the polymer film (stretching tub (14); Fig 1, [0018]);

wherein in the swelling step, at least a first guide roll and a second guide roll are arranged in the swelling bath (Fig 1), and when the polymer film is impregnated in and allowed to travel in the aqueous solvent (Fig 1, [0008], [0016]),

Ikemoto further teaches that this process of forming a polarization film is significantly concerned with the prevention of wrinkle formation, noting that when a PVA resin film swells too much, wrinkles occur, and that if an unstable film traverses through a series of zigzagging guide rollers such wrinkles can be worsened [0008][0033]. Ikemoto also teaches the general conditions of result effective variables such as the length of time the film is submerged in the swelling bath (abstract, [0030-0033]). Ikemoto doesn't explicitly teach the polymer film is brought into contact with the first submerged guide roll within a time up to when swelling reaches a saturation state and further is brought into contact with the second guide roll after the swelling reaches the saturation state or the specific time conditions of claim 1. Further, Ikemoto provides an example of total dipping time as in the range of 4 to 6 minutes (abstract, [0011]), but does not explicitly teach wherein an arbitrary point on the film is impregnated in the swelling bath for a total length of time of from 63 to 120 seconds. But, as Ikemoto teaches a method of obtaining wrinkle free polarization films, while describing general problems involved with swelling and the transport of swelled films, as well a range of film submergence time; it would have been obvious to one of ordinary

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skill in the art to alter a length of time of impregnation as well as altering the length of time up to when the submerged film is brought into contact with a first and second submerged guide rolls based on the amount of swelling in the polymer film, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Claim 8: Ikemoto further teaches the polymer film is impregnated in the swelling bath for a time in the range of 4 to 6 minutes (abstract, [0011]).

Claim 14: Ikemoto further teaches the temperature of the swelling bath lies in the range of 30 – 40°C (abstract, [0011]).

Claim 15: Ikemoto teaches that the polymeric film swells in the swelling bath, as well as being pulled along guide rollers, so inherently when the film material swells it is stretched.

Claim 16: Ikemoto teaches the method of claim 1 (described above), but does not explicitly teach wherein with respect to a length of the polymer film before being subjected to the swelling step, a stretch ratio of the polymer film in the stretching treatment is in a range of 1.5 to 4.0 times. A “stretch ratio” as described by applicants disclosure (pg 13 lines 9 – 30) would appear to be dependant upon the time the polymeric film is submerged in the swelling bath, as described in the rejection to claim 1 (above), the submerging time is a result effective variable, therefore it would have been obvious to one of ordinary skill in the art to alter a length of submerging time, correspondingly altering the “stretch ratio”, to achieve a range of 1.5 to 4.0 times, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemoto as applied to claim 1 above, and further in view of Sanefuji et al (US 2002/0001700 A1).

Ikemoto teaches the method according to claim 1, and further teaches that the final thickness, following drying, of the PVA film produced from the polarizing film process is about 20 – 35 microns ([0020]). Ikemoto is silent as the starting PVA film thickness, therefore Ikemoto does not explicitly teach the PVA film before being subjected to a swelling treatment has a thickness in a range of not more than 110 micron. Sanefuji teaches that the typical thickness range of a PVA film (pre-swelling) is preferably between 40 to 120 microns, as when the average thickness is less than 20 micron, stretching break occurs, and when the average thickness is over 150 microns stretching irregularity occurs in monoaxial stretching in producing a polarization film ([0027]). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have selected a pre-swollen PVA film thickness of between 40 to 120 microns, as taught by Sanefuji, for the PVA film thickness in the polarization process taught by Ikemoto as Ikemoto is silent, and values outside of this taught range would lead to breaking or irregular stretching of the polarization film. Although Ikemoto in view of Sanefuji doesn't specifically teach the PVA film before being subjected to a swelling treatment has a thickness in a range of not more than 110 micron, it would have been obvious to one of ordinary skill in the art at the time of invention to have selected a thickness range of not more than 110 microns, since in the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a *prima facie* case of obviousness exists. In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemoto as applied to claim 1 above, and further in view of Harita et al (US 2001/0024322 A1; hereafter Harita). Ikemoto teaches the method according to claim 1, wherein the hydrophilic polymer film is a PVA based film ([0007]), but is silent as to specific chemistries of the PVA film. Harita teaches producing a polarization film from a PVA based film via processes including stretching, dyeing, fixing, etc. (abstract, [0049]). Harita specifically teaches adding 10 parts by weight of glycerin to 100 parts by weight of a

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PVA preparation solution (~9 wt %) ([0062]). Harita further teaches that when producing the PVA film it is advantageous to incorporate plasticizer such as glycerin as it is suitably used for improving the PVA films stretchability ([0034-0035]). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated ~9 wt % of glycerin into a PVA polymer film, as taught by Harita, in the process taught by Ikemoto as the addition would improve the stretchability of the PVA based film.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemoto as applied to claim 1 above, and further in view of Burger (US patent 3,492,185; hereafter Burger).

Ikemoto teaches the method of claim 1 (described above), but is silent as to what type of guide rolls are used in the process. Using bent roll as guide rolls is well known in the art as evidenced by Burger (col 6 lines 45 – 51). Burger further teaches that a bent roll can aid the reduction of longitudinal wrinkles in a web product (col 6 lines 45 – 51). Ikemoto teaches that the purpose of their invention is to obtain wrinkle free polarization sheets ([0008], [0011]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected specific types of guide rolls, such as a bent roll, for any guide roll(s) of the method taught by Ikemoto, for the purpose of reducing longitudinal wrinkles in the film.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemoto as applied to claim 1 above, and further in view of Kondo (JP 2000-147252; hereafter Kondo).

Ikemoto teaches the method of claim 1 (described above), but is silent as to what type of guide rolls are used in the process. Kondo teaches a method for producing a polarization film, where the hydrophilic polymer film is contacted by rubber spiral guide rolls, arranged as 1 or 2 or more of the guide rolls, arranged besides or within a bath liquid (Fig 1, [0014-0016]). Additionally Kondo teaches that the

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motivation for using spiral rubber covered rolls is that they prevent the generation of fractures, and blemishes to the film [0004]). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a spiral roll as a guide roll, as taught by Kondo, for a guide roll other than the first guide roll in the process taught by Ikemoto as the incorporation of multiple spiral rolls will lead to lower occurrence of film fracture and blemishes.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemoto as applied to claim 17 above, and further in view of Tanaka et al (US patent 5,071,906; hereafter Tanaka).

Ikemoto teaches the method of claim 17 (described above), where the dichroic solution is an iodine solution ([0017]), but Ikemoto does not explicitly teach the iodine solution contains at least two organic dyestuffs. Tanaka teaches a method of producing polarizing films where the addition of a dichroic dye solution is applied to a PVA film (col 5 line 55 – col 6 line 16). Further Tanaka teaches that iodine and dichroic dyes (plural) may be used together in order to control the hue (col 6 lines 10 – 13). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have added a plurality of dichroic dyes, as taught by Tanaka, to the iodine solution taught by Ikemoto in order to control the hue of the dye solution.

### ***Response to Arguments***

Applicant's arguments filed 3/14/08 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (wherein the aqueous solvent is not boric acid) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



The examiner maintains that Ikemoto teaches the general conditions of result effective variables such as the length of dipping time, bath concentration, bath temperature, etc. and their influence on the film submerged in the swelling bath (abstract,[0011], [0030-0033], Table 1). As taught above, it would have been obvious to one of ordinary skill in the art to alter such conditions as desired, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). Applicant's arguments directed specifically to that dipping time is not taught as a result effective variable, the examiner directs the applicants attention to [0011], and Table 1, for example; wherein the time and boric acid concentration are both demonstrated to influence the formation of wrinkles.

Applicants argues that "it appears from Ikemoto that some particular reason may have hampered any effort of Ikemoto to reduce the impregnation time", are based on a supposed "comparative example 1 or Ikemoto"; however, the examiner does not see such a comparative example 1 with an impregnation time of 94 seconds present in the teachings of Ikemoto, and the applicant has not specifically designated where such support exists in Ikemoto. The examiner assumes this is a typo, as applicants own specification (pg 38 – 39) contains a "comparative example 1" showing an impregnation time of 94 seconds, but the method taught in this comparative example is vague and fails to disclose the same process variables (temperature, swelling bath chemistry, etc) discussed by Ikemoto, so the examiner is not convinced that comparative example 1 of applicants specification is sufficient to prove that Ikemoto is hampered to reduce impregnation time.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN H. EMPIE whose telephone number is (571)270-1886. The examiner can normally be reached on M-F, 7:00- 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. H. E./  
Examiner, Art Unit 1792

/Katherine A. Bareford/  
Primary Examiner, Art Unit 1792